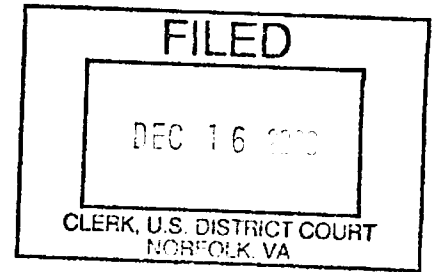


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



**EAST COAST TRUCK AND TRAILER
SALES, INC**

Plaintiff,

v.

CIVIL ACTION NO. 2:09cv583

MOTOR CITY AUTO TRANSPORT, INC.

Defendant.

**EAST COAST TRUCK AND TRAILER
SALES, INC**

Plaintiff,

v.

CIVIL ACTION NO. 2:09cv584

MOTOR CITY AUTO TRANSPORT, INC.

Defendant.

CONSOLIDATION ORDER

Before the Court are the above-styled cases which were filed on separate dates in the Richmond and Norfolk Divisions of this Court.

Rule 42 of the Federal Rules of Civil Procedure reads, in relevant part: "[w]hen actions involving a common question of law or fact are pending before the court, . . . it may order all actions consolidated." Fed. R. Civ. P. 42(a). "In addition, a district court must consider the interest of judicial economy as well as the interest of the parties in a fair and impartial


procedure.” *In re MicroStrategy Inc. Sec. Litigation*, 110 F. Supp. 2d 427, 431 (E.D. Va. 2000) (citing *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1285 (2d Cir.1990)). “In that regard, courts considering whether to order consolidation must determine whether ‘the specific risks of prejudice and possible confusion [from consolidation are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned.’” *Id.* (citing *Arnold v. Eastern Air Lines Inc.*, 681 F.2d 186, 193 (4th Cir.1982)). District courts enjoy wide discretion under Rule 42(a) to consolidate actions pending in the same district. *A/S J. Ludwig Mowinckles Rederi v. Tidewater Constr. Corp.*, 559 F.2d 928, 933 (4th Cir. 1977); *See generally* 9 Wright & Miller, *Federal Practice and Procedure* §§ 2384, at 272 (1971).

The Court finds that these cases involve common questions of law and fact and other considerations support consolidation. Accordingly, it is **ORDERED** that the above captioned cases are consolidated for purposes of litigation into Civil Action No.: 2:09 v583.

The Clerk is **DIRECTED** to send a copy of this Order to all parties.

IT IS SO ORDERED.

Norfolk, Virginia
December /6, 2009



Raymond A. Jackson
United States District Judge